

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Tuesday, January 29, 2013**

Present: Commissioner President Francis Jack Russell
Commissioner Lawrence D. Jarboe
Commissioner Cynthia L. Jones
Commissioner Todd B. Morgan
Commissioner Daniel L. Morris
Sue Sabo, Acting County Administrator
Sharon Ferris (Recorder)

CALL TO ORDER

Commissioner President Russell called the business meeting to order at 9:00 am in the Chesapeake Building meeting room, Governmental Center.

APPROVAL OF MINUTES

Commissioner Jones moved, seconded by Commissioner Morris, to approve the minutes of January 22, 2013, as presented. Motion carried 5-0. .

COUNTY ADMINISTRATOR

1. Draft Agenda for February 5 and 12, 2013.
2. **Department of Recreation and Parks** (*Brian Loewe, Director; David Guyther, Parks Manager*)

Commissioner Morris moved, seconded by Commissioner Jones, to approve and authorize Commissioner President Russell to execute the 2012 Maryland Bikeways Program Grant Agreement in the total amount of \$470,180 from the Maryland Department of Transportation. Motion carried 5-0.

Commissioner Jarboe moved, seconded by Commissioner Morgan, to approve and authorize Commissioner President Russell to execute the budget amendments to (1) close out a portion of the Countywide Maintenance grant #MD1108 and MD1308; and, (2) realign the funding source and return Transfer Tax Funds of \$37,152 and use State Waterway Improvement Funds for the Fox Harbor Landing Project #PL0901. Motion carried 5-0.

Commissioner Jones moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to execute the budget amendments to: (1) close out a portion of Countywide Maintenance grant #MD1108; and, (2) realign the funding source and return Transfer Tax Funds of \$7,700 to the FIN13 account and use state Waterway Improvement Program Funds for the St. George's Island Public Landing Project #PL1001. Motion carried 5-0.

Commissioner Morris asked if the Charlotte Hall Athletic Field Project included any new softball fields. Mr. Loewe responded no. Commissioner Morris commented that citizens have commented that there is a shortage of ball fields in the County and asked Mr. Loewe to review the status of softball and baseball fields.

Commissioner Jarboe moved, seconded by Commissioner Morris, to approve and authorize Commissioner President Russell to execute the budget amendments to (1) closeout a portion of Three Notch Trail Phase V Project #PA0804; and (2) transfer the funds from the FIN13 account to the Charlotte Hall Athletic Fields Project #RP0902 in the total amount of \$62,000. Motion carried 5-0.

3. Department of Public Works and Transportation *(George Erichsen, Director)*

Commissioner Jarboe requested an overlay of the property boundaries for the Carter Building and the Jail.

Commissioner Jones moved, seconded by Commissioner Morris, to approve and authorize Commissioner President Russell to execute the four budget amendments closing out the ADC Projects PF0901, PF0902, PF1006, and PF1304 and realigning the budget to the FIN13 Capital Reserve in the total amount of \$16,210,822. Motion carried 5-0.

4. Department of Emergency Services and Technology *(Bob Kelly, Director)*

Commissioner Morgan moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to execute the budget amendment reducing the NextGen Project PF1005 to the FIN13 Capital Reserve in the amount of \$2,700,000. Motion carried 5-0.

5. Department of Land Use and Growth Management *(Phil Shire, Director)*

Commissioner Morris moved, seconded by Commissioner Morgan, to approve and authorize Commissioner President Russell to execute the budget amendment on behalf of the Department of Land Use and Growth Management for the salaries and fringe of the Board of Appeals Chairman for the remainder of FY2013 in the amount of \$3,224. Motion carried 5-0.

DEPT. OF LAND USE AND GROWTH MANAGEMENT: PROPOSED TEXT AMENDMENT TO CHANGE USE TYPE 82, EXTRACTIVE INDUSTRY, FROM A CONDITIONAL USE TO A PERMITTED USE

Present: Phil Shire, Director, Dept. Land Use and Growth Management
George Sparling, County Attorney

The Dept. of Land Use and Growth Management is requesting a public hearing for a proposed text amendment to change Use Type 82, Extractive Industry, in the Comprehensive Zoning Ordinance, from a Conditional Use to a Permitted Use. The proposed amendment will remove the County's Limited Standards and Conditional Standards set forth in the ordinance for removal of natural minerals from the surface or subsurface (sand and gravel mining and mineral extraction). A recent ruling by the Maryland Court of Special Appeals found that Queen Anne's County's Ordinance which regulated major extraction operations was preempted by State Law. The Maryland Department of Environment has regulations that virtually govern all aspects of surface mining leaving counties with limited authority.

The Commissioners discussed the impact the Maryland Court of Appeals' decision could have on St. Mary's County and placed this agenda item on hold to allow Mr. Shire and Mr. Sparling additional time to research and provide more information to them.

OFFICE OF THE COUNTY ATTORNEY: PROPOSED ACQUISITION OF 3.16 ACRES OF LAND IN CONNECTION WITH THE CONSTRUCTION OF FDR BLVD.

Present: George Sparling, County Attorney

The Commissioners previously approved completion of FDR Boulevard. The County is in the process of acquiring property to complete the FDR Boulevard Project, and this proposed acquisition is part of that process.

Commissioner Jones moved, seconded by Commissioner Morgan, to authorize Commissioner President Russell to execute all documents required for the acquisition from Leon G. Anderson of 3.16 acres of land for \$92,200 required for the construction of FDR Boulevard. Motion carried 5-0.

COMMISSIONERS' TIME

The Commissioners highlighted events this past week and items of a personal nature.

Commissioner Morris commented that he is examining the possibility of a grant to provide the County with a full-service sports facility for activities like archery, skeet shooting, target practice, etc. He emphasized that this facility would not be built at tax payers' expense.

**FY 2014 BUDGET WORK SESSION ON REQUESTS FOR FIRE/RESCUE TAX
RATE INCREASES FROM HOLLYWOOD VOLUNTEER RESCUE SQUAD AND
RIDGE VOLUNTEER RESCUE SQUAD**

Representatives from the Hollywood Volunteer Rescue Squad and Ridge Volunteer Rescue Squad made presentations explaining details for their request of a tax rate increase.

ADJOURNMENT

Commissioner Russell adjourned the Board of County Commissioners meeting at 2:50 pm.

Minutes Approved by the Board of County Commissioners on _____

Sharon Ferris, Senior Administrative Coordinator (Recorder)